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24
25 **UNITED STATES DISTRICT COURT**

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

IN RE GOOGLE PLAY STORE ANTITRUST LITIGATION THIS DOCUMENT RELATES TO: <i>In re Google Play Developer Antitrust Litigation</i> , Case No. 3:20-cv-05792-JD	Case No. 3:21-md-02981-JD STIPULATION AND [PROPOSED] ORDER RE DEVELOPER PLAINTIFFS' CLASS CERTIFICATION DEADLINES IN LIGHT OF SETTLEMENT [Civil L.R. 6-2] Judge: Hon. James Donato
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1 Pursuant to Civil Local Rule 6-2, the plaintiffs in the *In re Google Play Developer*
2 *Antitrust Litigation*, No. 3:20-cv-5792-JD (N.D. Cal.) (“Developer Plaintiffs”); and the
3 defendants Google LLC, Google Ireland Limited, Google Commerce Limited, Google Asia
4 Pacific Pte. Limited, and Google Payment Corp. (collectively, “Google”), stipulate as follows:

5 WHEREAS, the current case schedule, ECF No. 191, 198, *In re Google Play Store*
6 *Antitrust Litigation*, 3:21-md-02981-JD, requires Developer Plaintiffs to file a class certification
7 motion on May 26, 2022, with additional class certification filing deadlines to follow for
8 Developer Plaintiffs and Google in connection with that motion.

9 WHEREAS, the current case schedule requires Google and Developer Plaintiffs to file
10 *Daubert* motions in connection with the other party’s class certification expert reports on May
11 26, 2022, with additional filing deadlines to follow for both parties in connection with such
12 motions.

13 WHEREAS, Developer Plaintiffs and Google have agreed to the principal terms on
14 which the parties will settle *In re Google Play Developer Antitrust Litigation*, No. 3:20-cv-5792-
15 JD (N.D. Cal.), subject to Court approval, on behalf of a class of U.S. Developers that sold paid
16 apps or in-app content through the Google Play store and had up to \$2 million in annual sales
17 through the Google Play store during each year of the 2016-2021 period. Developers Plaintiffs
18 and Google estimate that the proposed settlement class represents more than 99 percent of all
19 U.S. developers selling paid apps or in-app content through the Google Play store.

20 WHEREAS, Developer Plaintiffs and Google are working expeditiously and in good
21 faith to finalize the long-form settlement agreement, and anticipate that any motion for
22 preliminary approval of the settlement will be filed on or before June 16, 2022.

23 WHEREAS, in furtherance of the settlement, and to conserve judicial and party
24 resources, the Developer Plaintiffs and Google agree, and request that the Court order, that the

1 class certification and *Daubert* deadlines as between the Developer Plaintiffs and Google should
2 be held in abeyance pending further order of the Court, with the parties agreeing to reserve all
3 rights related to class certification.

4 NOW, THEREFORE, IT IS STIPULATED AND AGREED, SUBJECT TO THE
5 APPROVAL OF THE COURT:

6 1. All class certification deadlines and deadlines for *Daubert* motions for class
7 certification experts as between Developer Plaintiffs and Google, in Case No. 3:20-cv-05792-JD,
8 shall be held in abeyance pending further order of the Court.

9 2. Developer Plaintiffs shall file a motion for preliminary approval of the settlement
10 as soon as is practicable, but on or before June 16, 2022.

11 Dated: May 25, 2022

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17 Respectfully submitted,

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15 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

16 Dated: _____

17 United States District Judge

18 **E-FILING ATTESTATION**

19 I, Steve W. Berman, am the ECF User whose ID and password are being used to file this
20 document. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that each of the
21 signatories identified above has concurred in this filing.
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24 _____
25 *s/ Steve W. Berman*
STEVE W. BERMAN